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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,758	10/23/2003	Kivin Varghese	VAR-3	2757
52447	7590	09/13/2007		
PATENTBEST 4600 ADELINE ST., #101 EMERYVILLE, CA 94608			EXAMINER NGUYEN, VAN KIM T	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/605,758

Applicant(s)

VARGHESE, KIVIN

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-25, 27-32, 34-40 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25, 27-32, 34-40 and 42-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date None.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is responsive to communications filed on June 22, 2007.

Claims 26, 33 and 41 have been cancelled, claims 43-45 have been added; hence claims 21-25, 27-32, 34-40 and 42-45 are pending in the application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 21-25, 27-32, 34-40 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 21-25, 27-32, 34 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 6,564,380), in view of Meyers (US 7,031,931).

Regarding claims 21, 28 and 43, Murphy discloses a method implemented in at least one web server hosting a website, the method comprising:

(a) receiving uploaded video clips from a plurality of remotely located uploaders via the website (e.g., video feeds are supplied to the system and transmitted into the system's network; col. 11: lines 5-14);

(b) receiving a request via the website for at least one uploaded video clip (e.g., users log on to find what video feeds are available and request, contract for access to a desired video feed; col. 7: lines 32-35; and col. 11: lines 22-26);

(c) identifying a fee associated with the requested video clip (e.g., Pricing Table is used for pricing access to video feeds to requesting parties; col. 12: line 64 – col. 13: line 26);

(d) charging at least the identified fee to an account associated with an originator of the request (e.g., employs the Pricing Table and the selection contracted to generate Billing Statement to the requesting parties; col. 13: lines 37-40); and

(e) upon successfully charging account in (d), providing the originator of said request with the requested video clip and crediting uploader of the requested video clip at least a portion of the charged fee (e.g., a party has requested and contracted payment is authorized to gain access to the requested video feed. Also track the video feed titles supplied by the sources to the system and the selection contracted by the requesting parties to generate Payment Statement to the source; col. 11: lines 22-38 and col. 13: lines 27-37).

Murphy also discloses (g) providing a video clip listing to at least some users, the listing providing information including the rating, or an aggregate rating including the rating, for at least some of the uploaded video clips (e.g., the Master Feed List can be structured to maintain a list of video feeds deemed likely to be very popular, such as the “Top 100 Video of the Day”, col. 14: lines 27-30).

However, Murphy fails to teach each of the uploaders setting a fee associated with each uploaded video clip. However, since Murphy discloses that the Master Authorization Server maintain a Master Feed List of video feeds available at the local PoP servers, which is coupled to a Pricing Table for computing the price for access to be paid by content production intermediaries, and the payment to be made to the video feed sources (col. 12: lines 14-23), it would have been obvious to one of ordinary skill in the art at the time the invention was made

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the video feed sources setting up a fee associated with each video feed in for recouping the expenses of producing the videos and perhaps, generating a profits in order to stay in business.

Murphy also does not explicitly call for (f) allowing the originator of the request to indicate a rating of the requested video clip.

Meyers discloses (f) allowing the originator of the request to indicate a rating of the requested video clip (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Meyers' method of rating audio/video content in Murphy's system in order to recommend and/or provide users with products and services interested by other users who have similar preferences.

Regarding claims 22 and 29, Murphy-Meyers also discloses receiving additional information related to each uploaded video clip (e.g., tracking the video feed titles supplied by the sources to the system and the selection contracted by the requesting parties to generate Payment Statement to the source; Murphy, col. 13: lines 27-37).

Regarding claims 23 and 30, Murphy-Meyers also discloses the additional information is used to match user requests for video clips (e.g., the Master server can provide user function such as search and query to assist with finding desired video feeds or allow users to profile the types of feeds they might want to access, or permit a viewer to select a movie, video, or audio program from a list of available titles ; Murphy, col. 12: lines 28-34 and col. 13: line 52-55).

Regarding claims 24 and 31, Murphy-Meyers also discloses the video clip is in a format selected from the group consisting of: AVI, MPEG-1, MPEG-2, WMV, FLIC, multi-page TIFF, or animated GIF (Murphy, col. 6: lines 52-63).

Regarding claims 25 and 32, Murphy-Meyers also discloses the provided video clip in (c) is viewable only for a pre-set time limit (e.g., Live Video Feeds are only available at scheduled dates and times for the event; Murphy, col. 12: lines 35-45).

Regarding claims 27 and 34, Murphy-Meyers also discloses the uploaded video clips are with a pre-set size-limit (e.g., pricing can be calculated based on feed length; Murphy, col. 13: lines 5-7).

Regarding claims 44-45, Murphy-Meyers also discloses the additional information comprises one or more types of information selected from the group consisting of level information, title information, and description information (e.g., video feed titles supplied by the source to the system are tracked; col. 13: lines 27-37).

5. Claims 36-40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 6,564,380), in view of Bartholomew (US 7,069,310).

Regarding claim 36, Murphy discloses a method to upload video clips for viewing and rating by a plurality of viewers comprising:

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(a) accessing a website over a network (e.g., users log on to find what video feeds are available and request, contract for access to a desired video feed; col. 7: lines 32-35; and col. 11: lines 22-26);

(b) providing a title and description of the video clip to be uploaded (e.g., the Master server can provide user function such as search and query to assist with finding desired video feeds or allow users to profile the types of feeds they might want to access, or permit a viewer to select a movie, video, or audio program from a list of available titles; col. 12: lines 28-34 and col. 13: line 52-55);

(c) setting a fee associated with the video clip to be uploaded (e.g., Pricing Table is used for pricing access to video feeds to requesting parties; col. 12: line 64 – col. 13: line 26); and

(d) uploading the video clip onto a server associated with the website;

wherein the uploaded video clip is sold to other users accessing the website by charging users at least the set fee, with at least a portion of the charged fees credited to uploader of the video clip (e.g., a party has requested and contracted payment is authorized to gain access to the requested video feed. Also track the video feed titles supplied by the sources to the system and the selection contracted by the requesting parties to generate Payment Statement to the source; col. 11: lines 22-38 and col. 13: lines 27-37).

Murphy does not explicitly call for the video clip being of a limited and predetermined size before being uploaded.

Bartholomew teaches system and method for creating and posting media files including limited and predetermined file size before uploading (col. 14: lines 57-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Bartholomew's creating and posting media files in Murphy's system in order provide a better way to create, manage and disseminate media files.

Regarding claim 37, Murphy-Bartholomew also discloses the title and description information is used by the server to match user's requests for video clips (e.g., the Master server can provide user function such as search and query to assist with finding desired video feeds or allow users to profile the types of feeds they might want to access, or permit a viewer to select a movie, video, or audio program from a list of available titles; Murphy, col. 12: lines 28-34 and col. 13: lines 52-55).

Regarding claim 38, Murphy-Bartholomew also discloses the video clip is any of the following formats: AVI, MPEP-1, MPEG-2, WMV, FLIC, multi-pate TIFF, or animated GIF (Murphy, col. 6: lines 52-63).

Regarding claim 39, Murphy-Bartholomew also discloses the sold video clips are viewable only for a pre-set time limit (e.g., Live Video Feeds are only available at scheduled dates and times for the event; Murphy, col. 12: lines 35-45).

Regarding claim 40, Murphy-Bartholomew also discloses receiving and storing a viewer rating associated with a sold video clip (e.g., "Top 100 Videos of the Day; Murphy, col. 14: lines 27-46).



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Regarding claim 42, Murphy-Bartholomew also discloses the sold video clip is presented to other viewers with the rating (e.g., the Master Feed List, which is available to users, can be structured to maintain a list of video feeds deemed likely to be very popular, such as the "Top 100 Video of the Day", Murphy, col. 14: lines 27-30).

### *Conclusion*

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

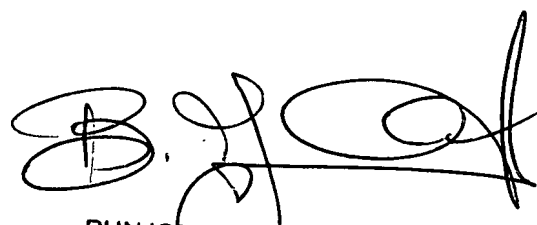
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen  
Examiner  
Art Unit 2152

vkn



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